

**WILLIAMSBURG CITY COUNCIL**  
**January 9, 2003**  
**MINUTES**

The Williamsburg City Council held its regular monthly meeting on January 9, 2003, at 2:00 p.m., in the Council Chambers of the Stryker Building.

**ATTENDANCE**

Present were Ms. Zeidler, Messrs. Haulman, Houghland, and Tabb. Also present were City Manager Tuttle, City Attorney Phillips, and City Clerk Crist. Mr. Scruggs was out of town.

Staff Attending: Department Heads Weiler, Yost, Nester, Hudson, Serra, and Walentisch, and Assistant City Manager, Jodi Miller.

**CALL TO ORDER**

Mayor Zeidler called the meeting to order.

**COUNCIL MINUTES**

*Mr. Houghland Moved Approval of the City Council Minutes of December 9 and 12, and Special Meeting of December 11, 2002. The Motion Was Seconded By Mr. Tabb.*

*Recorded Vote on the Motion:*

*Aye: Haulman, Zeidler, Houghland, Tabb*

*No: None*

**MATTERS OF SPECIAL PRIVILEGE**

**Resolution in Recognition of Dr. James Blaine Blayton**

Mayor Zeidler read the resolution regretting the death of Dr. Blayton on December 15, 2002, and recognizing his accomplishments in the Williamsburg Area. Dr. Blayton came to Williamsburg in 1932 and was at that time the only local African-American doctor in the community. Dr. Blayton founded the Blayton Maternity Hospital, a two-bed facility, and subsequently the New Medical Center Clinic Hospital, a fourteen-bed facility with eight bassinets, which until 1961 served as the primary hospital for the area's African-Americans. Sympathy was extended to his family. The resolution, signed by all members of Council, will be presented to the Blayton family on February 8, 2003, at a memorial service at the Kimball Theater, Merchants Square.

**REPORTS**

**Monthly Financial Statement**

*The Monthly Financial Report was received and ordered filed.*

Mr. Tuttle highlighted the positive trends in Property Tax, Room and Meal Tax, and Sales Tax Revenues compared to last year.

**Monthly Departmental Operating Reports**

*The Monthly Departmental Operating Reports were received and ordered filed.*

Mr. Tuttle reported that the Williamsburg Volunteer Citizens Corps would have their first

meeting on January 14. Chief Yost, Chief Weiler, and Mr. Walentisch were members of the corps, which will encourage citizen involvement in matters of homeland security.

Human Services Department: Mr. Walentisch responded to Mr. Haulman that Benefit/Service programs showed an increase on the monthly report due to economic and seasonal slowdown. Medicaid benefits have increased due to the increase in elderly population. The need for emergency assistance has increased, while resources have decreased, and service providers have been meeting to discuss the best ways to address the need.

Drought and the Waller Mill Reservoir: Mr. Tuttle reported that the city was not completely out of the drought, but is no longer purchasing additional water from the City of Newport News. Subsequently, the surcharge will be eliminated from the first water billing cycle as of January 1, 2003. He hoped we would get normal rainfall to carry the city through the summer months.

### **Planning Report**

Council members received the Annual Reports of the Planning Commission, Architectural Review Board, and Board of Zoning Appeals, to be filed.

### **City Manager Reports**

#### **Survey Results 2002, Jodi Miller, Assistant City Manager**

Reference for this item was Mr. Tuttle's report dated January 2, 2003, which included a copy of the Executive Summary for the 2002 Citizens Survey and comparative results from earlier surveys back to 1995.

Ms. Miller reported on the eighth citizen survey to measure the quality and effectiveness of city services. Using a Powerpoint presentation, Ms. Miller pointed out the highlights of the survey. Surveys were sent to 300 randomly selected residences and 117 were returned. She reviewed the demographics, overall weighted scores for the different questions included on the survey, citizen familiarity of city capital projects, and what was most important to citizens. Overall the city received a score of 4.2 on a scale of 1 to 5. City departments received copies of citizen comments about their particular department and will follow-up with citizens as needed.

Council members discussed how this valuable information received from the survey questionnaires would be used by the city. Council desired to reach a more diverse demographic group in future surveys.

Council thanked Ms. Miller for her management of the survey, for her report, and for compiling the summary of citizen comments.

#### **Police/EMS Bicycle Operations, Fire Chief Weiler and Police Chief Yost, Verbal Report**

Chief Weiler said that a safety evaluation was completed on the events that draw large crowds of people. It was determined that it was not always possible to have one or more ambulances available for such an event. The new bicycle Emergency Medical Service Team joined Chief Weiler for his presentation. The Chief explained that the two-man bicycle team is equipped with intubation equipment, oxygen, defibrillation and monitoring equipment, medication, collars and bandages, stethoscope, fluids, and triage tags. The

team assesses a person in an emergency situation while waiting for an ambulance to respond. In some instances, they can treat a patient, and the ambulance is not necessary. The bike EMS team can access remote areas that vehicles cannot reach. The Fire Department's goal is to train eight people for the EMS bike team.

Chief Yost and the Police Bike Patrol Officer came to the front of the Chambers. Chief Yost explained that the city received a grant to purchase the bicycles, and they were put into operation last November. One officer per shift is assigned to the bike patrol. Five officers in the Patrol have already logged many hours, especially during special events. The Chief thanked Colonial Williamsburg Foundation for the training provided to the department and for the refurbished bicycles.

Mayor Zeidler thanked the Chief and recognized the letter received from Colonial Williamsburg Foundation commending the work of the Bike Patrol during Grand Illumination.

Council applauded the innovative Fire and Police programs and the service it provides to the people in Williamsburg.

**Public Safety First-Responder Equipment--Virginia Department of Emergency Management Grant Application, *Proposed Resolution #03-01***

Reference for this item was Mr. Tuttle's report dated December 16, 2002, which included a copy of the proposed resolution. Mr. Tuttle explained that if received, the grant funds could be used for the purchase of an ACU 1000 which will allow all wireless systems to speak to one another. The proposed resolution authorizes an agent for the city, as required for grant submittal. It was recommended that Council approve the proposed resolution and authorize Chief Yost to execute and manage the grant application on behalf of the city.

*Mr. Tabb Moved That City Council Approve Proposed Resolution #03-01, Designation of Applicants Agent, Authorizing the Chief of Police to Execute and Manage the Grant Application on Behalf of the City. The Motion Was Seconded by Mr. Haulman.*

*Recorded Vote on the Motion:*

*Aye: Haulman, Zeidler, Houghland, Tabb*

*No: None*

**Update on the Effect of State Budget Cuts, Phil Serra, Director of Finance**

Mr. Serra updated Council on the direct and indirect impact of state budget reductions (see attached sheets), since his last report in November 2002. Using overhead slides, he reviewed the known budget figures for the remainder of fiscal year 2003 and for fiscal year 2004. Of particular interest was the indirect impact on the budgets of the schools, library, and Regional Jail. He said he would keep Council informed as changes occur.

The Mayor commented that the city has said that it will not make up for the budget reductions by the State.

Council members, Mr. Tuttle, and Mr. Serra discussed the information reported. Mr. Tuttle addressed the impact of the reductions. Constitutional officers are already dealing with how best to handle State and local budget reductions within their operations. Mr. Serra

noted that the City has an agreement with other jurisdictions by formula and will have to deal with funding problems accordingly. Mr. Tuttle said that if agencies' budgets are cut by the State, they may have to come to the localities for additional funds to operate, but many are already trying to manage the cuts. The Regional Jail is supported by the State with revenues balanced with funding from four jurisdictions according to agreement. Fortunately, the city is affected to a lesser degree by budget cuts because it did not heavily rely on State money. Mr. Tuttle responded to Mr. Tabb that the city does not have the authority to order early releases from the Regional Jail. The State or a Judge would make that decision.

Mayor Zeidler thanked Mr. Serra for the update.

### **City Attorney Report**

#### **Change to City Charter, Filling Council Vacancies**

Council members received a report from Mr. Phillips dated January 2, 2003, which included information about Special Elections. He reported that his office completed the research on the feasibility of amending Section 8 of the City Charter regarding filling a vacant council seat by Special Election. State Code mandates that a Special Election must be held at the same time as the general councilmanic election. He reviewed the procedure for holding a Special Election to fill a vacant Council seat, depending on when the vacancy occurs, in accordance with State Law (see attached report). He reviewed the options for Council:

1. Leave Section 8 unchanged.
2. Amend Section 8 to remove the provision and allow State law to control filling vacancies.
3. Amend Section 8 to delete the existing procedure and substitute the language of the State Statute in the Charter.

The Mayor said she understood that to amend the charter, a public hearing must be held on a specific amendment to the City Code Charter. Once a public hearing was held and a decision made, the city would request that our delegate submit the preferred option to the General Assembly.

Mr. Phillips clarified that if Council would like to hear from the public on the options, a public hearing must be held on each. He would have no problem with amending Section 8 out of the City Charter and letting State Law prevail.

Council members concurred that they would like to hear from citizens regarding the appointment process. While they were not pleased with the current appointment process, they were not particularly pleased with the options. The Mayor pointed out that Council would still have to make an interim appointment. The situation does not happen often. Mr. Phillips suggested a public hearing be held, advertising to eliminate Section 8, and then hear citizen comments.

Council concurred that Mr. Phillips will prepare a public hearing notice for the February or March meeting regarding the option to remove the appointment provision from the Charter. Council asked the City Manager to coordinate this matter for Council's consideration in the next few months.

#### **Purchase of Right-of-Way for Treyburn Drive**

Reference for this item was Mr. Tuttle's report dated January 8, 2003, which included a copy of the Contract of Purchase with Landmark Investors. Mr. Phillips explained that the purchase agreement was the result of our negotiations with the owners of certain property needed for construction of Treyburn Drive. Using an overhead map, he pointed out the properties to be purchased. One parcel of land extends north from Monticello Avenue to the city owned "High Street" property and the other a two-acre parcel located west of Treyburn Drive and south of Chambrel. The recommendation is to authorize execution of the contract. The purchase price is \$600,000.

*Mr. Haulman Moved That City Council Authorize Execution of the Contract for Purchase of Treyburn Drive Right-of-Way from Landmark Investors. The Motion Was Seconded by Mr. Houghland.*

*Recorded Vote on the Motion:*

*Aye: Haulman, Zeidler, Houghland, Tabb*

*No: None*

### **OPEN FORUM**

Mayor Zeidler opened the comment session. No one wished to speak. The session was closed.

### **CLOSED SESSION**

Mr. Houghland Moved that City Council go into Closed Session pursuant to Section 2.2-3711 of the Code of Virginia for the purpose of discussing one personnel matter per subparagraph 1, concerning appointments to Boards and Commissions, and two property matters regarding the acquisition and disposition of property for the "High Street" project of which discussion in an open meeting would adversely affect bargaining or negotiation strategy of the public body. The motion was Seconded by Mr. Tabb.

Recorded Vote on the Motion:

Aye: Haulman, Zeidler, Houghland, Tabb

No: None

The meeting adjourned at 3:28 p.m. (Mayor Zeidler called a five-minute recess.)

At 4:05 p.m., Council met in Open Session.

Mr. Houghland Moved the Certification of Closed Meeting. The Motion was Seconded by Mr. Tabb.

Recorded Vote on the Motion:

Aye: Haulman, Zeidler, Houghland, Tabb

No: None

## OPEN MEETING

### CERTIFICATION OF CLOSED MEETING

Date: January 9, 2003

Motion: Mr. Houghland, Second: Mr. Tabb

WHEREAS, the City Council of the City of Williamsburg has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the City Council that such meeting was conducted in conformity with Virginia Law.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Williamsburg hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the City of Williamsburg.

VOTE:

Aye: Haulman, Zeidler, Houghland, Tabb

No: None

Absent During Vote: Scruggs

Absent During Meeting: Scruggs

### APPOINTMENT TO BOARDS AND COMMISSIONS

*Mr. Houghland Moved That City Council Reappoint **Mr. William M. Barner** and **Mr. Oliver Tabb** to the Williamsburg Redevelopment and Housing Authority for terms to expire February 5, 2007. The Motion Was Seconded by Mr. Haulman.*

*Recorded Vote on the Motion:*

*Aye: Haulman, Zeidler, Houghland, Tabb*

*No: None*

The meeting adjourned at 4:07 p.m.

Approved: February 13, 2003

Shelia Y. Crist, Clerk of Council

Jeanne Zeidler, Mayor